

JAMES M. FINBERG (SBN 114850)
 EVE H. CERVANTEZ (SBN 164709)
 CONNIE K. CHAN (SBN 284230)
 ALTSHULER BERZON LLP
 177 Post Street, Suite 300
 San Francisco, CA 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
 Email: jfinberg@altshulerberzon.com
 Email: ecervantez@altshulerberzon.com
 Email: cchan@altshulerberzon.com

STEVEN G. ZIEFF (SBN: 84222)
 DAVID A. LOWE (SBN: 178811)
 JOHN T. MULLAN (SBN: 221149)
 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
 351 California Street, Suite 700
 San Francisco, CA 94104
 Telephone: (415) 434-9800
 Facsimile: (415) 434-0513
 Email: sgz@rezlaw.com
 Email: dal@rezlaw.com
 Email: jtm@rezlaw.com

Attorneys for Plaintiffs NICK CANCELLA,
 and all others similarly situated
 [additional counsel for Plaintiffs on following
 page]

JODY A. LANDRY, Bar No. 125743
 jlandry@littler.com
 LINDSEY M. STEVENS, Bar No. 265700
 lstevens@littler.com
 LITTLER MENDELSON, P.C.
 501 W. Broadway
 Suite 900
 San Diego, California 92101.3577
 Telephone: 619.232.0441
 Facsimile: 619.232.4302

ANDREW VOSS, Pro Hac Vice
 avoss@littler.com
 LITTLER MENDELSON, P.C.
 1300 IDS Center
 80 South 8th Street,
 Minneapolis, Minnesota 55402
 Telephone: 612.630.1000
 Facsimile: 612.630.9626

Attorneys for Defendant
 ECOLAB, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NICK CANCELLA, on behalf of himself and
 all others similarly situated,

Plaintiff,

v.

ECOLAB, INC., a corporation,

Defendant.

Case No. CV 12-03001 CRB

**STIPULATION PURSUANT TO FED.
 R. CIV. P. 15(a)(2) REGARDING
 FILING OF SECOND AMENDED
 COMPLAINT AND TAKING
 PLAINTIFF'S MOTION FOR LEAVE
 TO FILE SECOND AMENDED
 COMPLAINT OFF CALENDAR;
 SECOND AMENDED COMPLAINT**

Date: n/a

Time: n/a

Ctrm.: 6

Judge: Hon. Charles R. Breyer

**Complaint Filed: June 11, 2012
 Trial Date: Not Set**

1 ROBERT S. NELSON (SBN 220984)
2 NELSON LAW GROUP
26 West Portal Avenue, Suite 1
3 San Francisco, CA 94127
(415) 702-9869 (phone)
4 (415) 592-8671 (fax)
Email: rnelson@nelsonlawgroup.net

5 TODD F. JACKSON (SBN 202598)
6 LEWIS, FEINBERG, LEE, RENAHER
& JACKSON, P.C.
7 476 9th Street
Oakland, CA 94607
8 Telephone: (510) 839-6824
Facsimile: (510) 839-7839
9 Email: tjackson@lewisfeinberg.com

10 JUSTIN M. SWARTZ*
MOLLY BROOKS*
11 OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
12 New York, NY 10016
Telephone: (212) 245-1000
13 Facsimile: (646) 509-2057
Email: jms@outtengolden.com
14 Email: mb@outtengolden.com

15 MICHAEL J.D. SWEENEY**
GETMAN & SWEENEY, PLLC
16 9 Paradies Lane
New Paltz, NY 12561
17 Telephone: (845) 255-9370
Facsimile: (845) 255-8649
18 Email: msweeney@getmansweeney.com

19 Attorneys for Plaintiffs NICK CANCELLA,
20 and all others similarly situated

*Pro Hac Vice Application Forthcoming
21 **Pro Hac Vice Application Pending

STIPULATION

Plaintiff NICK CANCELLA ("Plaintiff") and Defendant ECOLAB INC. ("Ecolab" or "Defendant"), herein referred to collectively as the "Parties," hereby stipulate, by and through their respective attorneys of record, as follows:

WHEREAS, Plaintiff filed his original complaint in the above-captioned matter on June 11, 2012, and filed a First Amended Complaint on August 27, 2012 pursuant to the parties' stipulation, solely to correct a technical error in the original complaint;

WHEREAS, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading with the written consent of the opposing party;

WHEREAS, the Court has not yet set a deadline for amending the pleadings or adding parties;

WHEREAS, Plaintiff proposes to file a Second Amended Complaint, which is attached as Exhibit A to this Stipulation;

WHEREAS, Defendant does not object to the filing of Plaintiff's proposed Second Amended Complaint;

WHEREAS, the Parties agree that Defendant shall have twenty (20) days from the date of filing of this Stipulation to file a responsive pleading to the Second Amended Complaint;

WHEREAS, the Parties agree that this Stipulation moots Plaintiff's pending Motion for Leave to File Second Amended Complaint, set for hearing on June 21, 2013;

The Parties hereby stipulate as follows:

1. Plaintiff may file the proposed Second Amended Complaint, attached hereto as Exhibit A, which shall be deemed filed as of the date of filing of this Stipulation;

2. Defendant shall file its responsive pleading to the Second Amended Complaint no later than twenty (20) days from the date of filing of this Stipulation;

3. Plaintiff's Motion for Leave to File Second Amended Complaint, currently set for hearing on June 21, 2013, is rendered moot by this Stipulation and shall be taken off calendar.

///

///

1 IT IS SO STIPULATED.

2
3 Dated: May 31, 2013

4 /s/ James M. Finberg
JAMES M. FINBERG
ALTSHULER BERZON LLP
Attorneys for Plaintiff
NICK CANCELLA

6
7
8 Dated: May 31, 2013

9 /s/ Lindsey M. Stevens
JODY A. LANDRY
LINDSEY M. STEVENS
LITTLER MENDELSON, P.C.
Attorneys for Defendant
ECOLAB INC.